

HOUSE BILL No. 1329

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-14-3-19.5; IC 34-11-2-11.5.

Synopsis: Absence from employment for disaster emergency. Provides that certain employees who are special deputies or police reserve officers may be absent from employment during a disaster emergency. Provides that an employee disciplined by the employer for such an absence may bring a civil action for damages against the employer.

Effective: Upon passage.

Borrer, Herrell, Reske, Crouch

January 16, 2007, read first time and referred to Committee on Labor and Employment.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1329

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-14-3-19.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 19.5. (a) As used in this**
4 **section, "agency of the state" has the meaning set forth in**
5 **IC 4-12-1-2(d).**

6 **(b) This section applies to an employee who:**

7 **(1) is employed by an agency of the state or a private**
8 **employer;**

9 **(2) is a:**

10 **(A) police reserve officer (as defined in IC 36-8-3-20); or**

11 **(B) special deputy (as defined in IC 36-8-10-10.6); and**

12 **(3) has notified the employer in writing that the employee is**
13 **a police reserve officer or a special deputy.**

14 **(c) In addition to the guarantees set forth in section 19(c) of this**
15 **chapter, an employer described in subsection (b)(1) may not**
16 **discipline an employee described in subsection (b) for being absent**
17 **from employment by reason of the following:**



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(1) Responding to a deployment order that:

(A) concerns a disaster emergency under section 12(b)(2) of this chapter; and

(B) is received by the employee before the time that the employee was to report to employment.

(2) Responding to a local disaster emergency declared under section 29 of this chapter when the employee's assistance was requested before the time that the employee was to report to employment.

(3) Leaving the employee's duty station to respond to:

(A) a deployment order concerning a disaster emergency under section 12(b)(2) of this chapter; or

(B) a local disaster emergency declared under section 29 of this chapter;

if the employee has secured authorization from the employee's supervisor to leave the duty station in response to a disaster emergency request for assistance received after the employee has reported to work.

(d) An employer described in subsection (b)(1) may require an employee who has been absent from employment as set forth in subsection (c)(1), (c)(2), or (c)(3) to present a written statement from the:

(1) office of the governor; or

(2) principal executive officer of the political subdivision that declared the local disaster emergency;

indicating that the employee responded to a disaster emergency at the time of the employee's absence.

(e) An employee who is disciplined by the employer in violation of subsection (c) may bring a civil action against the employer in the county of employment. In the action, the employee may seek the following:

(1) Payment of back wages.

(2) Reinstatement to the employee's former position.

(3) Fringe benefits wrongly denied or withdrawn.

(4) Seniority rights wrongly denied or withdrawn.

An action brought under this subsection must be commenced within one (1) year after the date of the disciplinary action.

SECTION 2. IC 34-11-2-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. An action brought under IC 10-14-3-19.5 against an employer by certain employees who are disciplined for leaving work to respond to a disaster**

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- 1 emergency must be commenced within one (1) year after the date
2 of the disciplinary action, as required by IC 10-14-3-19.5(e).
3 SECTION 3. An emergency is declared for this act.

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